



02-03-02

DAES

UNITED STATES PATENT AND TRADEMARK OFFICE

App. no. 10/064,745

Attorney docket no. MLCO.P002

Conf. no. 6610

Filed: August 12, 2002

Express Mail label number EV253456662US

RESPONSE TO NOTICE TO FILE MISSING PARTS

This paper responds to the Notice of Missing Parts dated August 21, 2002. The undersigned hereby requests, under the provisions of 37 CFR 1.136(a), an extension of the period for filing a reply in the above-identified application, as detailed in attached Form PTO/SB/22. An extension of four months is requested. Form PTO-2038 is attached to pay the extension fee and the \$130 fee. Any deficiency in fees may be charged to our deposit account number 15-0610, as indicated in the attached Fee Transmittal Form PTO/SB/17.

Attached hereto, please find a Petition under 37 CFR section 1.47 relating to inventor Jones who refuses to sign. The \$130 fee for this Petition is enclosed.

Attached hereto, please find a Petition under 37 CFR section 1.47 relating to inventor Kerstein who refuses to sign. The \$130 fee for this Petition is enclosed.

It is noted that the Attorney Docket number needs to be corrected. It is earnestly requested that the Attorney Docket Number be corrected to read "MLCO.P002".

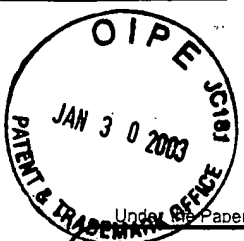
Respectfully submitted,

Carl Oppedahl
Oppedahl & Larson LLP
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Dillon, CO 80435
telephone 970 468 6600

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PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 1710

Complete if Known

| | |
|----------------------|----------------|
| Application Number | 10 064 745 |
| Filing Date | 12 August 2002 |
| First Named Inventor | |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | MLCO P002 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

150610

Oppedahl

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 750 | 2001 375 | Utility filing fee | |
| 1002 330 | 2002 165 | Design filing fee | |
| 1003 520 | 2003 260 | Plant filing fee | |
| 1004 750 | 2004 375 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| Independent Claims | -20** = | X | |
| Multiple Dependent Claims | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 84 | 2201 42 | Independent claims in excess of 3 | |
| 1203 280 | 2203 140 | Multiple dependent claim, if not paid | |
| 1204 84 | 2204 42 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | 130 |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 130 | Non-English specification | |
| 1812 2,520 | 2012 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 2004 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 2005 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 205 | 2252 102 | Extension for reply within second month | |
| 1253 465 | 2253 232 | Extension for reply within third month | |
| 1254 1,450 | 2254 725 | Extension for reply within fourth month | 1450 |
| 1255 1,970 | 2255 985 | Extension for reply within fifth month | |
| 1401 320 | 2401 160 | Notice of Appeal | |
| 1402 320 | 2402 160 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 140 | Request for oral hearing | |
| 1451 1,510 | 2451 755 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,300 | 2453 650 | Petition to revive - unintentional | |
| 1501 1,300 | 2501 650 | Utility issue fee (or reissue) | |
| 1502 470 | 2502 235 | Design issue fee | |
| 1503 630 | 2503 315 | Plant issue fee | |
| 1460 130 | 2460 65 | Petitions to the Commissioner | 130 |
| 1807 50 | 2807 25 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 2806 90 | Submission of Information Disclosure Stmt | |
| 8021 40 | 2801 20 | Recording each patent assignment per property (times number of properties) | |
| 1809 750 | 2809 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 750 | 2810 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 750 | 2801 375 | Request for Continued Examination (RCE) | |
| 1802 900 | 2802 450 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1710

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|---------------|-----------------------------------|-----------|-----------|--------------|
| Name (Print/Type) | Carl Oppedahl | Registration No. (Attorney/Agent) | 32746 | Telephone | 970 468 6600 |
| Signature | Carl Oppedahl | Date | 30 Jan 03 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/064,745 | 08/12/2002 | James R. Birle JR. | |

CONFIRMATION NO. 6610

FORMALITIES LETTER



OC000000008657728

21121
OPPEDAHL AND LARSON LLP
P O BOX 5068
DILLON, CO 80435-5068

Date Mailed: 08/21/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

02/04/2003 SLUANG1 00000015 10064745

02 FC:1051
02 FC:1254130.00 OP
1450.00 OP*A copy of this notice MUST be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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